



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East  
Brooklyn, New York 11201*

September 4, 2019

By ECF

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re:     United States v. Myron Gushlak  
Criminal Docket No. 03-833 (NGG)

Dear Judge Garaufis:

The government writes to request that the Court order the unsealing of the sealed documents and docket entries in this case (the “Sealed Items”) for the limited purpose of their use in a Canadian litigation, as described below.

By way of background, the defendant Myron Gushlak pleaded guilty to conspiracy to commit securities fraud and conspiracy to commit money laundering in connection with his participation in a “pump and dump” securities fraud scheme. On November 18, 2010, the Court sentenced Gushlak to a term of incarceration of 60 months as well as a \$25 million fine; on May 15, 2012, the Court imposed restitution in the amount of \$17,492,817.45. The Sealed Items, however, which are numerous, remain under seal.

The government makes this request in connection with civil litigation currently underway in Canada (the “Civil Litigation”), pursuant to which the United States seeks to enforce the restitution order imposed by this Court, of which \$14,643,427.27, plus accruing interest, remains unpaid. In the Civil Litigation, Canadian counsel for Myron Gushlak has requested a copy of “the sealing order” in order to determine if the Sealed Items in this matter are relevant to the Civil Litigation. (See the letter from Marie-Andrée Vermette to Malcolm N. Ruby/Matthew Doak, dated June 17, 2019, attached hereto as Exhibit A).

There is no single sealing order, and the numerous Sealed Items are individually sealed via hand-written endorsement and other means. Accordingly, it is the government’s assessment, following a review of the sealed documents and docket entries in this matter, that an order permitting disclosure of these items for the limited purpose of their use in the Canadian Litigation would: (a) provide Gushlak’s Canadian attorneys with the information they seek; and

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(b) aid the government in its efforts to enforce the unpaid judgment and fine in the above-captioned matter.

In making this request, the government does not concede the relevance of the documents to the Civil Litigation, which must be determined by the Canadian court.

To the government's knowledge, none of the counsel (all based in the United States) of record for the defendant in this matter represents the defendant any longer. The government nonetheless makes the instant request following the demand of Canadian counsel for Myron Gushlak in the Canadian Litigation (see Ex. A), and provides a copy of the application to such counsel.

Respectfully submitted,

RICHARD P. DONOGHUE  
United States Attorney

By: \_\_\_\_\_ /s/  
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c.c.: Clerk of the Court (NGG)  
(by ECF)  
Marie-Andrée Vermette, WeirFoulds LLP (Counsel for Myron Gushlak)  
(by Email)